

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-cv-0460-MJR
)	
\$24,000.00 IN U.S. CURRENCY,)	
)	
Defendant.)	

FORFEITURE ORDER AND JUDGMENT

REAGAN, District Judge:

A. Introduction

The United States of America ("the Government") commenced this civil *in rem* forfeiture proceeding in June 2007. The Defendant/property is \$24,000 in U.S. currency, which was seized in February 2007 and deposited in an asset forfeiture fund in the Federal Reserve Bank in St. Louis, Missouri. Discovery commenced herein, a claim was filed (by Mark DeMariano) and then withdrawn, and various Orders were entered by the Court.

This process culminated in a clerk's entry of default on December 19, 2007, followed by the Government's motion for default judgment and forfeiture decree on January 22, 2008. *See* Docs. 29 & 30. The undersigned District Judge set a February 12, 2008 deadline for any objections to the requested default judgment of forfeiture. *See* Doc. 31. No objection was filed. As is described more fully below, the Court now grants the Government's request for default judgment herein.

B. Analysis and Ruling

An entry of default having been properly made under Federal Rule of Civil Procedure 55(a), and the Government having properly moved (and supported the request) for default judgment under Federal Rule of Civil Procedure 55(b), the Court **FINDS** as follows.

On the 28th day of June, 2007, the Government filed a verified complaint for forfeiture against Defendant, further described as “\$24,000 in United States Currency.” The complaint alleged that the currency constitutes money furnished or intended to be furnished by a person in exchange for a controlled substance, or proceeds traceable to such an exchange, and is money used to facilitate a violation of 21 U.S.C. § 801, *et seq.*, thereby rendering the currency subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

Process was fully issued in this action and returned according to law.

Pursuant to a warrant of arrest issued by this Court, the United States Marshal for this District seized the property in question on July 25, 2007.

On July 18, 2007, July 25, 2007 and August 5, 2007, notice of this action was published in the Southern Illinoisan newspaper, and a Certificate of Publication was filed with this court on November 23, 2007. *See* Doc. 27.

On August 1, 2007, Mark DeMariano filed a claim in this matter. *See* Doc. 8. On November 12, 2007, DeMariano withdraw that claim via a “dismissal memorandum,” which resulted in the undersigned Judge issuing an Order acknowledging withdrawal of DeMariano’s claim. *See* Docs. 25, 26.

All interested parties were defaulted on December 19, 2007. *See* Doc. 29. The Government moved for default judgment and issuance of a forfeiture decree on January 22, 2008. *See* Doc. 30.

The Court now **GRANTS** that motion (Doc. 30) and **ORDERS FORFEITED** to the United States of America the property in question (\$24,000 in U.S. currency). No right, title or interest in the property shall exist in any other party. The property shall be disposed of according to law by the United States Marshal.

The Clerk of Court **SHALL ENTER JUDGMENT** in favor of Plaintiff, the United States of America, and against Defendant as described above. This case now is closed.

IT IS SO ORDERED.

DATED this 19th day of February 2008.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge